

R307-325

2. Title: Davis and Salt Lake Counties and Ozone Nonattainment Areas: Ozone Provisions.

3. Type of notice: Amend

4. Purpose of the rule or reason for the change:

The purpose of this amendment is to clarify the rule by moving language to other appropriate rules, adding language to align the rule with the new ozone maintenance plan, deleting obsolete language, and making other grammatical corrections throughout R307-325 to improve the readability of the rule. These amendments are part of revisions to rules related to the ozone maintenance plan (see separate filing on R307-307-101-2, R307-110-13, R307-320, R307-326, R307-327, R307-328, R307-332, R307-335, R307-340, R307-341, R307-342, and R307-343 in this issue.)

6. Summary of the rule change:

References to Salt Lake and Davis Counties were replaced by the term “ozone maintenance area.” Other grammatical corrections were made throughout R307-325 to improve the readability of the rule. Other changes that are proposed are divided into the following three areas:

1. General Compliance Provisions. The ozone RACT requirements were originally grouped together as one subsection of the Utah Air Conservation Rules. In 1998 the Board adopted a major restructuring of the rules and separated the RACT requirements into individual rules. The general provisions at the beginning of the old RACT subsection became a new rule, R307-325, that established applicability, testing, and compliance provisions for all of the new RACT rules. This was an awkward solution, and the Board is proposing that the applicability, testing, and compliance provisions that are currently in R307-325 be included separately in each of the ozone RACT rules. The applicability and testing provisions are deleted from R307-325 because these provisions are not needed for the general requirements.

2. Generic RACT provisions. The 1990 Clean Air Act required EPA to develop eleven new Control Technique Guideline documents for sources of VOC and Alternative Control Techniques for sources of NO_x by November, 1993. EPA did not meet this deadline; however, the State was still required to adopt RACT regulations for these source categories. The 1-hour ozone maintenance plan addressed this issue by adopting generic RACT provisions for both VOC and NO_x in R307-325-2. EPA did not accept this approach, and later versions of the maintenance plan established case-by-case VOC RACT for all major sources of VOC. In addition, EPA granted a NO_x waiver that addressed the requirement for NO_x RACT.

When EPA approved the 1-hour maintenance plan in 1997, the Federal Register notice stated that the generic RACT rules were not required, and did not meet federal guidelines. The case-by case determinations were all that was needed. DAQ recommends deleting all of R307-325-2 because the generic RACT provisions are not required, and no longer serve a useful purpose.

3. Low-NO_x Burner Contingency Measure. When the 1-hour ozone maintenance plan was originally adopted, a series of contingency measures was added to Utah’s rules that could be implemented immediately if the area violated the ozone standard. Several of the contingency measures that would reduce VOC emissions were implemented proactively in 1999 because the area was not meeting the new 8-hour ozone standard.

The 8-hour maintenance plan is not required to contain contingency measures that have been pre-

adopted. Instead, the plan must include a list of potential measures and a schedule for adopting rules expeditiously if the ozone standard is violated. The proposal deletes R307-325-4 that requires the installation of low-NO_x burners as a contingency measure for the ozone maintenance plan. Current modeling indicates that VOC reductions are more effective than NO_x reductions to reduce ambient concentrations of ozone, and therefore this control strategy may not be the best approach to address a future violation of the 8-hour ozone standard. This strategy is included in the list of possible contingency measures in the ozone plan and would be evaluated as one of many possible choices if the standard is violated in the future.

7. Aggregate anticipated cost or savings to:

- a. State budget:** Because these revisions do not create any new requirements, no change in costs is expected to the state budget.
- b. Local government:** Because these revisions do not create any new requirements, no change in costs is expected for local governments.
- c. Other persons:** Because these revisions do not create any new requirements, no change in costs is expected for other persons.

8. Compliance costs for affected persons:

Because these revisions do not create any new requirements, no change in costs is expected for affected persons.

9. Comments by the Dept head on the fiscal impact the rule may have on businesses:

Because these revisions do not create new requirements, no change to costs is expected for businesses. (Dr. Dianne R. Nielson, Executive Director, Department of Environmental Quality)

10. Authorizing statute: 19-2-104(1)(a)

11. Materials incorporated by reference?

12. Public comment and hearing info: October 17, 2006 at 2 pm in Room 101 of the DEQ Building at 168 N 1950 West in Salt Lake City.

13. May become effective on: December 7, 2006

14. Keywords: air pollution, emission controls, ozone, VOC

Authorizing signature

Date